

### **REMARKS**

Claims 1-37 and 39-41 are pending and at issue in the application with claims 1, 20, 24 and 35 being the independent claims. Claims 1, 24 and 35 have been amended. Claim 42 has been cancelled. No claims have been added. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

Claims 1, 4-11, 14-18, 35, 36 and 40-42 are rejected under USC §102(e) as being anticipated by Bradlee (U.S. Pub. No. 2002/0161624 A1). Claims 2, 3, 12, 13, 19, 20-34, 37 and 39 are rejected under 35 USC §103(a) as being unpatentable over various combinations of Bradlee in view of Agrusa et al. (U.S. Pub. Appln. No. 2004/0024891 A1), Keeler et al. (U.S. Patent No. 5,386,373), and Funkhouser (U.S. Patent No. 5,784,570). The applicant respectfully traverses the rejections in view of the remarks below.

With the amendments to claims 1, 24 and 35, each of claims 1-37 and 39-41 recites, in one manner or another, that process control information is operated on for each plant individually and the analysis results that are based on process control information originated by a particular plant (e.g., generating first and second analysis results from first and second process control information of first and second processing plants, respectively) is sent to that plant or to a remote user. In other words, analysis results are generated for a particular plant based on control information of that plant.

Specifically, independent claim 1 recites that a data processing application generates first analysis results specific to a first processing plant from first process control information and sends the first analysis results to the first processing plant, and also generates second analysis results specific to a second plant from second process control information and sends the second analysis results to the second processing plant. Independent claim 20 recites a data processing application that processes information originated by devices of the plurality of process plants and generates independent analysis results for each process plant from the information originated by the devices of that plant. Independent claim 24 recites a data processing application that generates analysis results for each of a plurality of process plants. Independent claim 35 recites a data processing application to generate independent analysis results for each processing plant from process control information originated by the devices of that processing plant. In response to the action, and with particular reference to the

action's Response to Arguments beginning on page 19, the applicants make the following remarks.

Bradlee et al. teaches that its analysis results are not generated for any particular plant based on control information of that plant. Instead, Bradlee et al. discloses generate analysis results as a function of multiple inputs from multiple different plants to provide a cross-plant calculation. Consequently, analysis results are not specific to any particular plant. The action does not necessarily dispute this, as it simply notes that the claims did not recite "that the analysis results are only based on information that is provided from a specific processing plant." As noted above, the amended claims now recite, in one manner or another, that process control information from each plant is operated on for each plant individually and the analysis results that are based on process control information originated by a particular plant is sent to that plant or to a remote user. Bradlee et al. does not disclose this feature.

In particular, Bradlee et al. discloses a system that collects operating information from a plurality of power plants (paragraph [0021]) and information on market conditions for power consumption (e.g., weather, market rates for power, fuel availability, etc.) from a plurality of publicly available external sources such as the Internet (paragraphs [0022] and [0030]). The Bradlee et al. system performs a cross-plant analysis (paragraph [0021] and claim 1) that combines all its collected data to produce cross-plant parameters used for recommendations or forecasts for power trading. The recommendations and forecasting can then used to manage energy trading in an exchange regulated by a body called the "ISO." (paragraphs [0003]-[0005] and [0051]). More specifically, Bradlee et al. describes the outputs of its systems to be parameters useful in determining whether certain energy contracts should be executed, including forward pricing contracts, options, and collars (paragraph [0051]). As a result, the data produced by the Bradlee et al. system is indicative of a general market demand and market supply of energy based on a consideration of data from multiple plants. While the output of the Bradlee et al. system requires information from a plurality of plants, ***the output is not generated based on an input from a particular plant nor is the output specific to any particular plant.*** That is, the analysis results are not generated for a particular plant based on process control information from that plant, whereas other analysis results are generated for another plant based on process control information from that other plant.

For example, paragraphs [0031] and [0032] of Bradlee et al. (which were cited in the action) disclose that data is received from the plants 12, 24 (and plant sub-systems 16, 28) at a central repository 48, and the central repository 48 transmits decision support for power trading and forecasting information to the user machines 58, 76:

[0031] A central repository 48 receives power data from the plant sub-systems 16 and 28, and receives market-related data from market sub-system 30. Central repository 48 can receive the data via a network 46, such as the Internet or a conventional telephone network, using conventional communication protocols. Central repository 48 can include a memory 50 for storing a database 52 of the plant and market-related data and a plurality of business rules 54 for use in processing the data. A processor 56 can provide processing of the data based upon the business rules 54, as explained below, and integration of plant and market-related data into data sets for processing through application of the business rules. An exemplary implementation of database 52 is provided in the U.S. provisional application identified above.

[0032] Central repository 48 can transmit, via network 46, decision support for power trading and forecasting information to one or more users at user machines 58 and 76. User machine 58 illustrates exemplary components of a user machine for receiving and displaying information for decision support for power trading and forecasting from central repository 48. User machine 58 can include a memory 60 for storing a web browser 62 and other applications 64; an input device 66 for receiving information or commands; a display device 68 for providing a visual display of information; a secondary storage device 70 for providing non-volatile storage of data; a processor 72 for executing browser 62 and other applications 64; and an output device 74 for providing various types of outputs such as a printer for hard copies of information or speakers for audio information. User machine 76 can include, for example, the same components as user machine 58. A user machine can alternatively include any processor-based device for receiving information via a network and displaying it in pages or screens.

While it is true that the central repository 48 receives data from each plant 12, 24, as noted above, Bradlee et al. does not disclose using the business rules 54 of the central repository 48 to generate results that are specific to any particular plant 12, 24. Indeed, the additional disclosure of Bradlee et al. appears to belie such a conclusion by combining the plant data and generating cross-plant results (see paragraph [0021]: “The system combines

data from each of one or more generating plants at a central repository, allows the cross-unit analysis of generating plants, and provides for storage of each of the generating plant's data in a relational database, for example, using a common format.”) It can hardly be said that the results are generated based on input from a particular plant and are specific to that particular plant or that the results are independently generated for each plant, when the data is combined and cross-analyzed in the manner disclosed in Bradlee et al.

Further, the action is incorrect in asserting that the user machines 58, 76 are associated with the plants 12, 24 or that control of the process plant is controlled by the user machines 58, 76 based on recommendations or forecasts for power trading received by the user machines 58, 76. Indeed, the above cited passages make no mention that the user machines 58, 76 are associated with plants 12, 24, the action does not provide any additional citation or support for concluding that the user machines 58, 76 are associated with any particular plant 12, 24, and the applicants not found such disclosure in Bradlee et al. Instead, Fig. 1 of Bradlee et al. appears to demonstrate that the user machines 58, 76 are distinct and separate from the plants 12, 24.

Accordingly, Bradlee et al. does not disclose generating independent analysis results for each of a plurality of processing plants based on data from that processing plant, much less sending the analysis results to the respective processing plant. Likewise, none of Agrusa, Keeler et al., or Funkhouser discloses or teaches generating independent analysis results from process control information received from one of a plurality of processing plant where the results are specific to that plant, and/or sending the analysis results to the processing plant that provides the process control information, nor are any of Agrusa, Keeler et al., or Funkhouser cited for this purpose. Therefore, none of Bradlee et al., Agrusa, Keeler et al., and Funkhouser, whether taken alone or in any combination, renders any of claims 1-37 and 39-41 obvious.

### **Conclusion**

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Four (4) independent claims remain in the application as previously paid for, and forty-one (41) total claims remain in the application as previously paid for. This response is being filed with a Request for Continued

Examination, a one month extension of time and the required fees. The applicants believe no additional fee is due. However, the Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By   
Aaron M. Peters

Registration No.: 48,801  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicants